



AIRFIBE.004CP1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Alwan, et al.) Group Art Unit:2874
Appl. No. : 10/045,661)
Filed : October 23, 2001)
For : ATTENUATION AND)
CALIBRATION SYSTEMS AND)
METHODS FOR USE WITH A)
LASER DETECTOR IN AN)
OPTICAL COMMUNICATION)
SYSTEM)
Examiner : Unknown

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PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S)
CONSIDERED AS OMITTED BY THE P.T.O. - RESPONSE TO
"NOTICE TO FILE MISSING PARTS"

United States Patent and Trademark Office
PO Box 2327
Arlington, VA 22202

Dear Sir:

In response to the "Notice to File Missing Parts" mailed for this application on March 5, 2002, Applicant hereby petitions under 37 C.F.R. § 1.53(e) for a review of the determination that the item in issue was omitted. The item indicated as omitted (FIGURE 5) was in fact deposited with the P.T.O. with the original application papers filed on October 23, 2001. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, (see MPEP, §601.01(d), 8th Edition) applicant hereby includes:

- A. A copy of the "Notice to File Missing Parts;"
- B. Petition fee under 37 C.F.R. § 1.17(h),
- C. A copy of FIGURE 5; and
- D. Evidence of the deposit of FIGURE 5.

05/08/2002 JBALINAN 00000050 10045661

05 FC:122

130.00 DP

Adjustment date: 08/05/2002 LDIEP1
05/08/2002 JBALINAN 00000050 10045661
05 FC:122 -130.00
Repln. Ref: 08/05/2002 LDIEP1 0011324000
Date: 11/14/02 Name/Number: 10045661

Appl. No. : 10/045,661
Filed : October 23, 2001

**EVIDENCE OF DEPOSIT OF FIGURE 5 WITH APPLICATION INDICATED AS
OMITTED IN THE "NOTICE TO FILE MISSING PARTS"**

Applicant submits the following evidence (attached) that FIGURE 5 was in fact deposited with the P.T.O. on October 23, 2001, which is the original date on which the papers for this application were deposited.

- A. A photocopy of the date stamped return post card receipt showing thereon that 26 pages of drawings were in fact deposited. (See MPEP, § 503, 8th Edition).

A total of twenty-nine figures are listed and described on pages 6-9 of the specification under the section "Brief Description of the Drawings." However, four of the twenty-nine described figures are arranged on the same figure page. Each of the rest of the described figures corresponds to its own figure page. Therefore, a total of twenty-six figure pages correspond to the twenty-nine described figures. Thus, the return post card receipt and the as deposited specification are consistent with each other in indicating that FIGURE 5 was deposited with the P.T.O. on October 23, 2001.

It is respectfully requested that, upon grant of the petition under 37 C.F.R. § 1.53(e), the petition fee be refunded to Deposit Account No. 11-1410.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5/1/02

By: 
James F. Herkenhoff
Registration No. P-51,241
Attorney of Record
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Sixteenth Floor
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(619) 235-8550

**UTILITY/DESIGN PATENT**Date: 10-23-01

(application)

Rec'd in the U.S.P.T.O. on the date stamped hereon via:

Express Mail #: EL 871 284 77545 Atty: JFHAtty. Dkt. # AIRFBP.004CP1 Applicant: Alwan et alTitle: Attenuation and Calibration System and ---VERIFIED BY: Asst: JLC Quality Control: _____

- ☒ Patent Appln. in 44 pgs. incl. Spec and 45 claims
☒ Transmittal in ~~Duplicate~~ 26 pgs. of Drawings
☐ Preliminary Amendment in ___ pgs. ☐ Power of Atty. by assignee;
☐ Decl. and Power of Atty. copy of Assignment
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REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>7/23/02</u>		2 Serial/Patent # <u>10/045,661</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
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